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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,761	10/29/2001	George Bradley Hobbs	10006500-1	4299

7590 06/23/2004

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,761

Applicant(s)

HOBBS, GEORGE BRADLEY

Examiner

Tan Dean D. Nguyen

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new

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 4/29/03 was filed after the mailing date of the application on 10/29/01. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claims Status***

Claims **1-18 are pending** and are rejected as followed.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-10, 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 11 cited "a computer-implemented method" in the pre-amble but fails to recite the term "computer" in the body of the claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1- 10, 13-16, 11-12, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by SEVCIK et al (US 6,330,542).

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5. As for **independent claim 1**, SEVCIK et al disclosed a computer-implemented method of managing print job costs comprising the steps of:

- (a) provide an electronic print job request, the request having a set of attributes (Figs. 2-8, 13);
- (b) displaying set of attributes (Fig. 4);
- (c) prior to printing the print job, calculating a cost of the electronic print job using the set of attributes (Fig. 4, 5 (50)); and
- (d) displaying the calculated cost (Fig. 2)

As for **dep. claim 2**, which further limit the printing job cost to include printing, this is taught in Fig. 6, 7.

As for **dep. claim 3**, which further limit the printing job cost to include estimated consumables cost based on a set of consumable factors such as ink type or printer technology or color option, this is taught in col. 6, lines 45-55, Fig. 6, 7 or especially Fig. 14.

As for **dep. claim 4**, which further explains the consumable factors to include various cost such as media cost, binding cost, and printer technology cost, this is taught in Figs. 5-7.

As for **dep. claim 5**, which further explains the job printing cost to include mailing cost, this is taught in col. 9, lines 1-12.

As for **dep. claims 6-7**, which further limit the cost to include an estimated postage cost based on set of postage determine factors, this is taught in col. 8, line 65 to col. 9, line 12 which discloses regular and special postal regulations and rates or

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categories and the postage range for each project or each item which normally deals with the type of media, printer technology, format and or binding options.

As for **dep. claim 8**, which further deals with the step of (e) presenting a menu of printing business rules, i.e. (e1) least expensive, or (e2) highest quality, or (e3) fastest print (best turnaround time) or (e4) limited color, etc. (f) receiving a selection for the business rules, (g) modify the set of attributes to comply with the selected business rule, (h) re-calculating the cost of the printed job, and (i) displaying the re-calculated cost, these are fairly taught in Fig. 9 (90), Fig. 5-7, Fig. 5 (49: change option), Fig. 6-7, col. 9, lines 5-15, 50-67, col. 10, lines 1-20.

As for **dep. claims 9-10**, which further deals with the further limitation of receiving a selection of an overriding of one or more attributes of the modified set of attributes and further recalculating and displaying, these are fairly taught in col. 9, line 5-15, which discloses that the buyer can change any of these variables after receiving the quote and request another quote based on the new options as indicated by (5) in Figs. 4, 5 and 7. This allows the printing buyer to immediately see the impact of any specification changes on the price of the project.

6. As for **Independent claim 11**, which has similar limitations as in Independent claim 1 and dep. claim 8, it's rejected for the same reason set forth in dep. claim 8 above.

As for **dep. claim 12** (part of 11 above) which further comprising the displaying of the final cost, this is rejected for the same reason set forth in claim 8 above.

7. As for **Independent claim 13**, which deals with a program storage device readable by a processor, tangibly embodying a program of instructions to perform the steps of Independent claim 1 above, it is rejected over the program storage device readable by a processor, tangibly embodying a program of instructions to perform the steps of SEVCIK et al as shown in the rejection of claim 1 above (see also a brief summary at the abstract: network data processing system commercial printing software).

As for **dep. claims 14-16** (part of claim 13 above), they have similar limitations as in claims 8-10 and are rejected for the same reasons set forth in claims 8-10.

8. As for **Independent claim 17**, which deals with a program storage device readable by a processor, tangibly embodying a program of instructions to perform the steps of Independent claim 11 above, it is rejected over the program storage device readable by a processor, tangibly embodying a program of instructions to perform the steps of SEVCIK et al as shown in the rejection of claim 11 above.

As for **dep. claim 18** (part of claim 17 above), they have similar limitations as in dep. claim 12 and are rejected for the same reasons set forth in dep. claim 12.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**10. Dependent claims 2-10, 12, 14-16, 18 are rejected (2<sup>nd</sup> time) under 35 U.S.C. 103(a) as being unpatentable over SEVCIK et al.**

As for **dep. claims 2-10, 12, 14-16, 18** which discloses the various well known parameters or variables for automated Internet quoting of commercial printings (including freight cost) which are fairly taught by SEVCIK et al on Figs. 2, 3, 4, 5, 6, 7, 12-18 as indicated above and the adjustment of these variables (or selection of certain/desired variables to meet certain desired conditions) are considered as optimizing operating conditions or result effective variables and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan, absent showing evidence of unexpected results. In re Aller, 105 USPQ 233.

No claims are allowed.

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1. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113 or <http://pair-direct.uspto.gov>.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

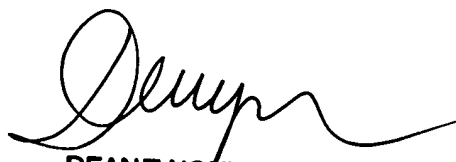
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn  
June 19, 2004

  
**DEAN T. NGUYEN**  
**PRIMARY EXAMINER**